

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**HOUSTON ARMATURE WORKS,
INC.,**

Plaintiff,

V.

**ZURICH AMERICAN INSURANCE
COMPANY,**

Defendant.

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**CIVIL ACTION NO. 4:19-cv-03849
JURY**

ZURICH AMERICAN INSURANCE COMPANY’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant, ZURICH AMERICAN INSURANCE COMPANY (“Zurich” or “Defendant”), files its Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division, on the basis of diversity of citizenship, and amount in controversy, and respectfully shows the following:

I. Procedural Background

1. On August 23, 2019, Plaintiff Houston Armature Works, Inc. (“Plaintiff”), filed its Original Petition in a case styled *Houston Armature Works, Inc. v. Zurich American Insurance Company*; Cause No. 2019-59397, pending in the 113th Judicial District Court for Harris County, Texas.

2. Zurich received a copy of this suit on September 5, 2019 and has made an appearance in this case.

3. Zurich files this notice of removal within 30 days of receiving notice of Plaintiff’s Original Petition. *See* 28 U.S.C. § 1446(b). This Notice of Removal is being filed within one year of the commencement of this action.

4. All pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a).

5. Attached hereto are copies of the following documents:

- **Exhibit 1:** The State Court's Docket Sheet;
- **Exhibit 2:** Plaintiff's Original Petition;
- **Exhibit 3:** Affidavit of Service and Citation served upon Defendant;
- **Exhibit 4:** Defendant's Original Answer;
- **Exhibit 5:** Notice of Appearance of Counsel;
- **Exhibit 6:** List of Parties and Counsel.

II. Bases for Removal

6. Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

A. Plaintiff and Defendant Zurich are diverse.

7. **Plaintiff** Houston Armature Works, Inc. is a Texas corporation with its principal office in Harris County, Texas.

8. **Defendant** Zurich American Insurance Company is a New York corporation engaged in the insurance business with a statutory home office located at 4 World Trade Center, 150 Greenwich Street, New York, New York with its principal place of business is located at 1299 Zurich Way, Schaumburg, Illinois. It is authorized to transact business and has transacted business in the State of Texas. Zurich is therefore not a citizen of the State of Texas for diversity purposes.

9. Thus, this lawsuit is between citizens of different states, and there is complete diversity of citizenship between Plaintiff and Defendant Zurich.

B. The Amount in Controversy Exceeds the Jurisdictional Requirements for Subject Matter Jurisdiction.

10. Plaintiff alleges that Defendant is liable under a commercial insurance policy because Plaintiff made a claim under that policy and allegedly Defendant wrongfully adjusted and underpaid Plaintiff's claim. Federal courts are courts of limited jurisdiction; without jurisdiction conferred by statute, they lack the power to adjudicate claims. *See Stockman v. Fed. Election Comm'n*, 138 F.3d 144, 151 (5th Cir.1998). An action in state court may be removed to federal court if "the district courts of the United States have original jurisdiction." 28 U.S.C. § 1441. To establish diversity jurisdiction under 28 U.S.C. § 1332, the parties must be diverse, and the amount in controversy must exceed \$75,000.00, exclusive of interest and costs. 28 U.S.C. § 1332; *Gebbia v. Wal-Mart Stores, Inc.*, 233 F.3d 880, 882 (5th Cir. 2000). Plaintiff's Original Petition states that it seeks monetary relief over \$1,000,000. As such, Defendant satisfied this Court's amount in controversy requirement for federal jurisdiction.

C. This Removal is Procedurally Correct

11. Zurich received notice of this lawsuit on September 5, 2019 when Zurich was served. Thus, Zurich is filing this Notice within the 30-day time period required by 28 U.S.C. § 1446(b).

12. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because i) this District and Division include the county in which the state action has been pending, and ii) a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division.

13. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

14. Promptly after Zurich files this Notice of Removal, written notice of the filing will be given to Plaintiff pursuant to 28 U.S.C. §1446(d).

15. Promptly after Zurich files this Notice of Removal, a true and correct copy of same will be filed with the Clerk of the Harris County District Court pursuant to 28 U.S.C. §1446(d).

16. Based upon the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Defendant Zurich American Insurance Company hereby removes this case to this Court for trial and determination.

Respectfully submitted,

By: /s/George Arnold

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**ATTORNEYS FOR DEFENDANT
ZURICH AMERICAN INSURANCE
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CERTIFICATE OF SERVICE

This is to certify that on October 4, 2019, a true and correct copy of the foregoing document was delivered to all known counsel of record in accordance with the Federal Rules of Civil Procedure as follows:

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